

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0568.01 Conrad Imel x2313

HOUSE BILL 23-1088

HOUSE SPONSORSHIP

Martinez, Hartsook, Armagost, Bird, Bockenfeld, Boesenecker, Bradley, Brown, deGruy Kennedy, Duran, English, Frizell, Froelich, Garcia, Hamrick, Herod, Jodeh, Kipp, Lieder, Lindsay, Lindstedt, Lynch, McLachlan, Michaelson Jenet, Ricks, Snyder, Story, Taggart, Titone, Valdez, Velasco, Weinberg, Weissman, Wilson, Woodrow

SENATE SPONSORSHIP

Hinrichsen, Baisley, Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Fenberg, Fields, Gardner, Ginal, Gonzales, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Lundeen, Marchman, Moreno, Mullica, Pelton B., Pelton R., Priola, Roberts, Simpson, Smallwood, Sullivan, Van Winkle, Will, Winter F., Zenzinger

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

SENATE
3rd Reading Unamended
May 3, 2023

A BILL FOR AN ACT

101 **CONCERNING A PROGRAM TO PROVIDE MENTAL HEALTH SERVICES FOR**
102 **VETERANS, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

SENATE
Amended 2nd Reading
May 2, 2023

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

HOUSE
3rd Reading Unamended
April 24, 2023

The bill establishes the veterans mental health services program (program) in the behavioral health administration to facilitate access to mental health services for veterans who have exhausted their annual number of sessions with a mental health-care provider covered by the veteran's federal veterans administration benefits. The program

HOUSE
Amended 2nd Reading
April 21, 2023

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

reimburses mental health-care providers for 10 mental health-care sessions per year with an eligible veteran.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add 28-5-714** as
3 follows:

4 **28-5-714. Veterans mental health services program - report -**
5 **rules - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "DIVISION" MEANS THE DIVISION OF VETERANS AFFAIRS IN THE
8 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

9 (b) "ELIGIBLE VETERAN" MEANS A VETERAN WHO LIVES IN A
10 VETERANS COMMUNITY LIVING CENTER, AS DEFINED IN SECTION
11 26-12-102.

12 (c) "PROGRAM" MEANS THE VETERANS MENTAL HEALTH SERVICES
13 PROGRAM ESTABLISHED IN THIS SECTION.

14 (d) "PROVIDER" MEANS A LICENSED PSYCHIATRIST REGULATED
15 PURSUANT TO ARTICLE 240 OF TITLE 12 OR ANY OF THE FOLLOWING
16 LICENSEES, CERTIFIED PROFESSIONALS, OR CANDIDATES REGULATED
17 PURSUANT TO ARTICLE 245 OF TITLE 12:

18 (I) A LICENSED PSYCHOLOGIST OR PSYCHOLOGIST CANDIDATE;

19 (II) A LICENSED SOCIAL WORKER, LICENSED CLINICAL SOCIAL
20 WORKER, OR CLINICAL SOCIAL WORKER CANDIDATE;

21 (III) A LICENSED MARRIAGE AND FAMILY THERAPIST OR MARRIAGE
22 AND FAMILY THERAPIST CANDIDATE;

23 (IV) A LICENSED PROFESSIONAL COUNSELOR OR LICENSED
24 PROFESSIONAL COUNSELOR CANDIDATE; ■

25 (V) A LICENSED ADDICTION COUNSELOR, CERTIFIED ADDICTION

1 SPECIALIST, OR ADDICTION COUNSELOR CANDIDATE; OR

2 (VI) AN ADVANCED PRACTICE REGISTERED NURSE LICENSED
3 PURSUANT TO ARTICLE 255 OF TITLE 12.

4 (e) "TELEHEALTH" HAS THE SAME MEANING AS SET FORTH IN
5 SECTION 10-16-123.

6 (2) (a) THERE IS ESTABLISHED IN THE DIVISION A VETERANS
7 MENTAL HEALTH SERVICES PROGRAM TO PROMOTE ACCESS TO MENTAL
8 HEALTH SERVICES FOR ELIGIBLE VETERANS BY REIMBURSING PROVIDERS
9 FOR SESSIONS WITH AN ELIGIBLE VETERAN.

10 (b) THE DIVISION SHALL REIMBURSE PROVIDERS WHO PARTICIPATE
11 IN THE PROGRAM FOR MENTAL HEALTH-CARE SESSIONS, EITHER IN
12 PERSON OR BY TELEHEALTH, WITH ELIGIBLE VETERANS. EACH ELIGIBLE
13 VETERAN MAY RECEIVE TWENTY-SIX REIMBURSED SESSIONS PER YEAR.
14 SUBJECT TO AVAILABLE APPROPRIATIONS, AN ELIGIBLE VETERAN MAY
15 RECEIVE, AND THE DIVISION SHALL REIMBURSE A PROVIDER FOR,
16 ADDITIONAL REIMBURSED SESSIONS IF A PROVIDER DETERMINES
17 ADDITIONAL SESSIONS ARE NECESSARY.

18 (c) TO BE ELIGIBLE TO PARTICIPATE IN AND RECEIVE
19 REIMBURSEMENT FROM THE PROGRAM, A PROVIDER MUST BE AVAILABLE
20 TO PROVIDE AT LEAST FOUR MENTAL HEALTH-CARE SESSIONS TO EACH
21 ELIGIBLE VETERAN THE PROVIDER ACCEPTS AS A CLIENT.

22 (d) THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN
23 SECTION 27-50-102 SHALL POST ON ITS WEBSITE A LIST OF PROVIDERS WHO
24 PARTICIPATE IN THE PROGRAM.

25 (3) IN ORDER TO PARTICIPATE IN THE PROGRAM, A VETERAN SHALL
26 SHOW A PROVIDER WHO IS PARTICIPATING IN THE PROGRAM A VALID
27 MILITARY OR FEDERAL VETERANS ADMINISTRATION IDENTIFICATION CARD

1 THAT INCLUDES A PHOTO OF THE VETERAN AND ATTEST TO THE PROVIDER
2 THAT THE VETERAN HAS EXHAUSTED THE ANNUAL NUMBER OF SESSIONS
3 WITH A MENTAL HEALTH-CARE PROVIDER COVERED BY THE VETERAN'S
4 FEDERAL VETERANS ADMINISTRATION BENEFITS.

5 (4) THE DIVISION SHALL:

6 (a) DEVELOP A PROCESS CONSISTENT WITH THE REQUIREMENTS OF
7 THIS SECTION FOR PROVIDERS TO APPLY FOR AND DEMONSTRATE
8 ELIGIBILITY TO RECEIVE REIMBURSEMENT FROM THE PROGRAM;

9 (b) UPON REIMBURSING A PROVIDER FOR A MENTAL HEALTH-CARE
10 SESSION WITH AN ELIGIBLE VETERAN, INFORM THE PROVIDER OF THE
11 VETERAN'S REMAINING NUMBER OF SESSIONS ELIGIBLE FOR
12 REIMBURSEMENT THAT YEAR; AND

13 (c) DETERMINE A REASONABLE RATE OF REIMBURSEMENT FOR
14 EACH MENTAL HEALTH-CARE SESSION WITH AN ELIGIBLE VETERAN
15 PURSUANT TO THE PROGRAM, WHICH RATE MUST BE THE SAME
16 REGARDLESS OF WHETHER THE APPOINTMENT IS FOR A TELEHEALTH OR AN
17 IN-PERSON APPOINTMENT.

18 (5) THE ADJUTANT GENERAL, IN CONSULTATION WITH THE BOARD
19 OF VETERANS AFFAIRS, SHALL PROMULGATE RULES NECESSARY FOR THE
20 ADMINISTRATION OF THIS SECTION.

21 (6) NO LATER THAN DECEMBER 31, 2024, THE DEPARTMENT OF
22 MILITARY AND VETERANS AFFAIRS SHALL DELIVER A REPORT ABOUT THE
23 PROGRAM TO THE HOUSE OF REPRESENTATIVES STATE, CIVIC, MILITARY,
24 AND VETERANS AFFAIRS COMMITTEE AND THE SENATE STATE, VETERANS,
25 AND MILITARY AFFAIRS COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.
26 THE REPORT MUST INCLUDE DATA AND INFORMATION ABOUT
27 PARTICIPATION IN THE PROGRAM AND THE EFFECTIVENESS OF THE

1 PROGRAM AS DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL
2 NOT INCLUDE IN THE REPORT PERSONALLY IDENTIFIABLE INFORMATION
3 THAT MAY BE USED, ALONE OR IN CONJUNCTION WITH ANY OTHER
4 INFORMATION, TO IDENTIFY A SPECIFIC INDIVIDUAL.

5 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
6 \$642,645 is appropriated to the department of military and veterans
7 affairs for use by the division of veterans affairs. This appropriation is
8 from the general fund and is based on an assumption that the division will
9 require an additional 1.6 FTE. To implement this act, the division may
10 use this appropriation for the veterans mental health services program.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.